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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

12 || EPIC GAMES, INC.

Case No. 4:20-cv-05640-YGR

13 || Plaintiff, Counter-defendant.

V

15 | APPLE INC.

Defendant, Counterclaimant

**DECLARATION OF DON SECHLER
PURSUANT TO LOCAL RULE
79-5(e)(1) IN SUPPORT OF NON-PARTY
SONY INTERACTIVE
ENTERTAINMENT LLC'S MOTION
TO SEAL**

1 I, Don Sechler, declare as follows:

2 1. I am the Vice President and Global Head of Global Partner Development and
3 Relations Business Operations, Planning & Strategy at Sony Interactive Entertainment LLC
4 (“SIE”). I am more than eighteen years of age. Based on my experience with SIE, I am familiar
5 with SIE’s protection of its trade secrets and other confidential and proprietary business
6 information and the documents I discuss below. I make this declaration based on personal
7 knowledge and, if called as a witness, I could and would testify competently to the matters set
8 forth herein.

9 2. I make this declaration pursuant to Civil Local Rule 79-5, in support of SIE’s
10 motion to seal three of the documents that SIE produced in this litigation, which have been
11 designated DX-3520, DX-4354, and DX 4357 on Apple’s exhibit list, because the public
12 disclosure of these documents would reveal SIE trade secrets and cause competitive harm to SIE.

13 3. As described in more detail below, these documents reflect different aspects of
14 SIE’s confidential policies and procedures with respect to the development, pricing and marketing
15 of games and related products on the PlayStation platform. Some of these policies and procedures
16 are incorporated by reference in our contracts with game developers. The creation and sale of
17 games and related products by third-party game developers is a critical element in competition in
18 our industry, and SIE’s policies and procedures with regard to game developers are tightly held as
19 a competitively-sensitive trade secret. If this information were made public, SIE would suffer
20 competitive harm because it would enable SIE’s competitors to gain valuable insight into SIE’s
21 business, which SIE has invested significant resources developing, including through trial and
22 error, and better position themselves in any future competition with SIE. These documents were
23 produced with the designation “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY”
24 under the governing protective order.

25 4. DX-4354 (SONY-EPvAPP-00002 through SONY-EPvAPP-00005) contains
26 detailed pricing information, including pricing formulas, for products offered through the
27 PlayStation Store, products associated with merchandise sales, and products offered via
28 PlayStation’s subscription service. This information is proprietary and confidential and is held as a

1 trade secret. The public disclosure of this information would provide SIE's competitors with
 2 valuable insight into SIE's business and its competitive processes and is likely to cause
 3 competitive harm to SIE.

4 5. DX-3520 (SONY-EPvAPP-00012 through SONY-EPvAPP-00020) discloses SIE's
 5 detailed policies and procedures for developers with regard to the provision of virtual currency on
 6 SIE PlayStation platforms. Again, these policies and procedures are proprietary and confidential
 7 to SIE and held as a trade secret by SIE. The public disclosure of this information would provide
 8 SIE's competitors with valuable insight into SIE's business and its competitive processes,
 9 specifically its approach to virtual currency, and is likely to cause competitive harm to SIE.

10 6. DX-4357 (SONY-EPvAPP-00006 through SONY-EPvAPP-00011) discloses
 11 important aspects of SIE's processes for developers in setting their wholesale prices and
 12 performing the other steps necessary to make their products available in the PlayStation Content
 13 Pipeline. The public disclosure of this information could provide SIE's competitors with valuable
 14 insight into SIE's business and its competitive processes that may cause competitive harm to SIE.

15 7. Because of the competitive sensitivity of these materials, SIE maintains strict
 16 confidentiality protection for these policies and procedures. No developer can access these
 17 documents without executing an agreement to maintain the confidentiality of these materials and
 18 then only for the purpose of developing and marketing games on the PlayStation platform. Only
 19 when they have executed such an agreement are developers provided with access credentials
 20 necessary to review these materials. Similarly, access to these materials is strictly limited within
 21 SIE to those with a business need for these documents.

22 8. I note that, on its exhibit list, Apple described two of the exhibits (DX-4354 and
 23 DX-4357) as "available at" website URLs. To be clear, these documents (as well as DX-3520) are
 24 not available to the public at that or any other location. The identified URLs lead to a password-
 25 protected, secure website, access to which is limited to authorized developers who have been
 26 approved by SIE and executed the strict confidentiality agreements described above.

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1 9. As the entirety of the above-described documents describe SIE's confidential
2 policies, processes, and procedures, the request to seal them is narrowly tailored.

3 10. I declare under the penalty of perjury that the foregoing is true and correct.

4 || Executed on this 28th day of April, 2021.

Dolores

DON SECHLER